

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSE E. FLORES,

2:14-CV-806 JCM (GWF)

Plaintiff(s),

V.

CAROLYN W. COLVIN,

Defendant(s).

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Foley. (Doc. # 2). No objections have been filed even though the deadline for filing objections has passed.

After reviewing the records regarding plaintiff's household income, Magistrate Judge Foley recommended that plaintiff's application to proceed *in forma pauperis* be denied. (Doc. # 2).

19 This court “may accept, reject, or modify, in whole or in part, the findings or
20 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to
21 a magistrate judge’s report and recommendation, then the court is required to “make a de novo
22 determination of those portions of the [report and recommendation] to which objection is made.”
23 28 U.S.C. § 636(b)(1).

24 Where a party fails to object, however, the court is not required to conduct “any review at all
25 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
26 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
27 judge’s report and recommendation where no objections have been filed. *See United States v.*

1 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
2 district court when reviewing a report and recommendation to which no objections were made); *see*
3 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
4 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
5 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
6 recommendation, then this court may accept the recommendation without review. *See, e.g.*,
7 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
8 to which no objection was filed).

9 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
10 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
11 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings
12 in full.

13 || Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
15 recommendation of Magistrate Judge Foley, (doc. # 2), are ADOPTED in their entirety.

16 IT IS FURTHER ORDERED that plaintiff's application to proceed *in forma pauperis*, (doc.
17 # 1), is DENIED without prejudice. Plaintiff must pay the filing fee of \$400.00 within thirty (30)
18 days from the entry of this order, or this action will be dismissed.

19 DATED July 9, 2014.

James C. Mahan
UNITED STATES DISTRICT JUDGE